

REMARKS

Applicant has carefully reviewed and considered the Examiner's Office Action dated October 17, 2008. Reconsideration is respectfully requested in view of the following comments.

By this Amendment, claims 1, 5 and 9-11 are amended and claims 2-4 and 6-8 are canceled. Accordingly, Claims 1, 5, and 9-11 are pending in the present application.

Claim 9 was rejected under 35 U.S.C. §112, second paragraph as explained on page 2 of the Action. By the foregoing amendment to claim 9, the definite article "the" has been deleted and thus, the antecedent basis issue has been rendered moot. With respect to the Examiner's question, as stated in the claimed invention, authentication occurs in the second authenticating apparatus; thus, "subsequent authentication" occurs in the second authenticating apparatus. Claim 9 recites that "all data for subsequent authentication [is written] into the personal property of the user of the first authenticating apparatus, and the second authenticating apparatus can solely discriminate whether or not another apparatus is permitted". It is respectfully submitted that claim 9 is fully definite under 35 U.S.C. § 112, second paragraph.

Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,957,337 to Chainer et al. (hereinafter referred to as "Chainer"). Claims 4, 8 and 10-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chainer in view of JP 10246041 to Kamise. These rejections are traversed.

Independent claims 1 and 5 were amended to include the subject matter of original claims 2 and 4, and 6 and 8 respectively. In addition, an apparatus discriminating unit and its function was added to the independent claims. Consequently, it is submitted

that the anticipation rejection under 35 U.S.C. §102(e) has been rendered moot. Withdrawal of this rejection is requested.

As described on pages 12-16 of the present application, which is the corresponding description of Figures 5 and 13, the “searching data of the personal property and discriminating” step of claim 1 and the recited apparatus use discriminating unit of claim 5 ensure that the claimed authentication method and system are convenient while also strengthening security. In particular, with the claimed invention, it is no longer necessary to carry a security card/key as the first authenticating apparatus or organism authentication issues the authenticating medium. Moreover, the claimed invention, as described in steps 145~152 (i.e., S145~S152) on page 16 of the specification), the apparatus use discriminating unit 107 **discriminates whether or not the use of the authenticating apparatus C14 is permitted on the basis of the searched data (S145). If the authenticating apparatus C14 is permitted to be used, the card collecting unit 145 collects the card; and if the authenticating apparatus C14 is permitted to be not used, the card collecting unit 145 returns the card to the user.**

As a result of the above recited structure, it is possible to further strengthen security while not requiring a user to carry the card on his person.

However, in comparison with the claimed invention, Kamise only discloses supplying a card recovering box so as to collect a card. That is, only a management is performed to indiscriminately collect card when a visitor returns. Therefore, in Kamise, there is no such structure to perform a use judgment and to collect or return card according to the use judgment, as required by independent claims 1 and 5. Further, even if Chainer were combined with the teachings of Kamise, it is submitted that it would be

impossible to obtain the structure of the claimed invention. Withdrawal of the rejection under 35 U.S.C. §103(a) is requested.

Conclusion

Applicant has fully responded to each matter of substance raised in the Office Action and believe that the case is in condition for allowance. Withdrawal of the rejections and allowance of claims 1, 5 and 9-11 of the present application is therefore courteously solicited.

Should the Examiner believe that a conference would advance the prosecution of this application, he is encouraged to telephone the undersigned counsel to arrange such a conference.

Respectfully submitted,

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